

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CARMEN L.MACK,

Plaintiff,

v.

Case No. C-1-01-700

FEDERATED DEPARTMENT
STORES, INC., et al.,

Defendants.

ORDER

This matter is before the Court following a hearing held on Tuesday, October 21, 2003 at 1:30 p.m. on defendant's Motion to Dismiss for Failure to Effect Timely Service (doc. 17).

Defense counsel was present at the hearing. Plaintiff Carmen Mack and plaintiff's counsel David Stenson failed to appear for the hearing as directed by the Court in its Order entered on October 7, 2003. Based on plaintiff's failure to act in good faith and to appear for the hearing as ordered by the Court, and for the additional reasons stated on the record at the hearing, this matter is hereby **DISMISSED WITH PREJUDICE** at plaintiff's cost and is **TERMINATED** on the docket of the Court.

IT IS SO ORDERED.

S/Herman J. Weber
HERMAN J. WEBER
SENIOR JUDGE, UNITED STATES DISTRICT COURT